IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION.

WRIT PETITION NO.6484 OF 2006
AND
WRIT PETITION NO.6485 Of 2006

Shri Vijaysingh Raosaheb Nimbalkar
and ors .. Petitioners.
Vs
Shri Sharadchandra Ulhasrao Nimbalkar
and ors. .. Respondents.

Mr S.M.Sabrad,for the petitioners.

CORAM : D.B.BHOSALE,J.
DATE : 03.10.2006
PC:

1. Heard the learned counsel for the petitioners.

2. In these two writ petitions, the petitioners have impugned the orders dated 18.9.2006 and 4.9.2006 by which their applications at Exhibits 214 and 205 have been rejected. The sum and substance of the prayer made by the petitioners was to frame an issue regarding the jurisdiction of the trail Court to try and decide the suit filed by the respondents-plaintiffs. Mr Sabrad, learned counsel for the petitioners, submits that the trial Court ought to have atleast framed the issue. Keeping in view the submission made by Mr Sabrad and considering the provisions of Order 14, Rule 5 of CPC, I do not wish to make any observation or give any direction to the court below. It is always open for the

court to frame an appropriate issue/s at any stage till the suit is decreed. In my opinion, the orders do not suffer from any infirmity warranting interference by this court under Article 227 of the Constitution of India. However, It is always open for the petitioners to raise all contentions as to the jurisdiction of the court even in further proceedings. With these observations, the writ petitions are disposed of.

(D.B.BHOSALE,J.)